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Governor

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### Minutes

**Bureau of Pipefitters, Refrigeration Technicians and Sprinklerfitters**  
**Department of Public Safety, Bldg B, 1380 Bay St., Taunton, MA 02780**  
**November 5, 2014, 9:45 a.m.**

1. Meeting called to order by the Chairman at 9:45 a.m., followed by roll call, the Chairman asked that members identify themselves and whom they represent:

Board Members Present:

Edward Kawa, Chairman  
Frank Norton, Boston A/C Contractors  
John Viola, Sprinkler Contractors  
William Gallagher, Refrigeration Techs  
Dan Dumont, NE Mechanical Contractors  
Pauline Lally, User  
Jennifer Revill, Public Representative

Guests Present:

Doug Neveu, Notch Mechanical  
Kristin Monfette, Notch Mechanical  
Chuck Borstel, ABC  
Barbara Lagergren, Gould Construction  
Luke Ciarfella, LEWAPT  
Henry Geryk, DPS  
Carrie Torrisi, DPS  
Cesar Lastra, DPS  
Holly Bartlett, DPS

Board Members Not Present:

Leo Fahey  
Brian Kelly  
Michael Torchio  
Mark Fortune

2. Executive Session: At 9:50, the Chairman asked for a motion to move into Executive Session, Purpose 3, to meet with counsel. **Motion to move to Executive Session made by Dan Dumont, seconded by John Viola; motion passed by unanimous roll call vote.** The Chairman then asked that members of the public leave the meeting at this point. At 10:05, Executive Session was closed, and members of the public were permitted to re-enter the room. The Chairman informed the public that the reason for the Executive Session was for the Bureau to discuss the process for review of grandfathering applications; that process will be changing.
3. Review of written comments: Subsequent to the Public Hearing held on October 31, 2014, the Bureau has received written comment from several individuals regarding proposed changes to 528 CMR, which will be reviewed at this meeting. John Viola asked about how any changes proposed as a result of public comments heard would be addressed, since the regulations are already in effect via emergency procedures. The Chairman explained that if the Bureau decides to make any changes based on review of comments and ensuing discussion, motion would be made and vote taken; once all such changes have been addressed, the promulgation process will continue. Mr. Viola asked if this would have to go back

out to public hearing at that point, the Chairman said it would not. Mr. Viola also pointed out that the written comments before the Bureau today are new, and have not been reviewed by the members of the Bureau; to which the Chairman replied that such review will proceed at today's meeting.

Senator M. Rodrigues: The Chairman summarized the Senator's input as including three changes proposed by the Senator: 1. Exclude prefabrication from the licensing requirements; 2. Elimination of the requirement for process piping apprentices to register with DAS; 3. Request that the Bureau reexamine the intent of the legislation requiring pipefitter welding licenses.

\*The Chairman suggested that the Bureau proceed by reviewing all the presented written comments, and, since some contain similar proposals, hold off discussion until all had been reviewed.

Representative J. Wagner: The Chairman identified four areas addressed in the Representative's written comment: 1. Exclude prefabrication from the licensing requirements; 2. Elimination of the requirement for process piping apprentices to register with DAS; 3. Request that the Bureau reexamine the intent of the legislation requiring pipefitter welding licenses.

Associated Builders and Contractors/Chuck Borstel: The Chairman identified four areas addressed in Mr. Borstel's letter: 1. Exclusion of fabrication as a licensing requirement; 2. Eliminate requirement for apprentice registration with DAS; 3. Request Bureau reexamine the intent of the pipefitter welding license; 4. Removal of Category D Fluid Service from the regulation, as it is not identified in statute.

Notch Mechanical/Steven Neveu: The Chairman identified three changes proposed in Mr. Neveu's letter: 1. The exclusion of off-site shop fabrication from the licensing requirement; 2. Elimination of requirement that process piping apprentices register with DAS; 3. Request that the Bureau reexamine the intent of the pipefitting welder license in accordance with the statute.

Notch Mechanical/Doug Neveu: The Chairman identified three matters addressed in Mr. Neveu's letter: 1. Exclusion of shop fabrication from the licensing requirement; 2. Elimination of the requirement for pipefitting apprentices to register with DAS; 3. Reexamination by the Bureau of the intent of the pipefitting welder license as required by the statute, and to allow reciprocity with neighboring jurisdictions.

Notch Mechanical/Kristin Monfette: The Chairman identified one matter addressed in Ms. Monfette's letter: 1. Elimination requirement for apprentices to register with DAT.

City of Chicopee, Director of Career and Technical Education/Kenneth Widelo: The Chairman identified one matter addressed in Mr. Widelo's letter: Request that the Bureau reexamine the intent of the pipefitting welder license.

City of Chicopee, Career and Technical Education/Michael Douville: The Chairman identified one matter addressed in Mr. Douville's letter: Request that the Bureau reexamine the intent of the pipefitter welder license.

New England Orbital Services/Scott King: The Chairman has identified three matters addressed in Mr. King's letter: 1. Removal of fabrication from the licensing requirements; 2. The elimination of the requirement for apprentices to register with DAS; 3. Request that the Bureau reexamine the intent of the pipefitter welder license in the regulation.

Minuteman High School/Bill Cameron: The Chairman identified concern expressed in the removal of the term ‘trainee’ in the requirements for journeyman refrigeration license.

Thomas Geoghegan Heating and Cooling/Thomas Geoghegan: The Chairman identified the primary concern of Mr. Geoghegan’s letter as the elimination of the requirement for refrigeration apprentices to register with DAT, but does not specify what class of license; the subject line does indicate concerns with refrigeration licenses.

Edward Lamoureux: The Chairman identified two concerns addressed in Mr. Lamoureux’ letter: 1. Adding clarification of definition of off-site work to include ASME B31 compliance, but exclude pipefitter licensing requirement; 2. In 528 CMR 11.01(a)(1) – (4), change “including fabrication,” to “including field fabrication”.

The Chairman summarized that two letters submitted addressed:

- a. Requirements for registration of refrigeration apprentices

And that there were four other areas identified by other submissions:

- a. Requirements of licensure for in-shop fabrication work

- b. Requirement for apprentices to register with DAS

- c. The intent of the pipefitter welder license

- d. Inclusion of Category D fluids

The Chairman asked for Assistant General Counsel to read Section 82 of M.G.L. Chapter 146 regarding the pipefitting/welding license: “The Bureau shall adopt regulations for the examining and licensing of fire sprinkler contractors, pipefitters, refrigeration technicians and sprinklerfitters, including the classification of pipefitter licenses, which shall include, but not be limited to, pipefitter welder, process piping and apprentice”; the Chairman pointed out that pipefitter welder is included in statute, and that the current regulation does not identify a specific classification of pipefitter welder. It was pointed out by Dan Dumont that the current regulation does not provide for a separate classification of apprentice, either; Counsel replied that pipefitter welder could be considered a ‘stand-alone’ license classification, whereas ‘apprentice’ could not be considered a stand-alone license, that apprentice must be affiliated with a specific license classification. Pauline Lally pointed out that the primary issue brought up is whether pipefitter welder classification will be required to do pre-fab work in a shop, not the difference in the three classifications, and that she recalled this matter having been addressed earlier in discussions regarding the changes to 528 CMR, but that she did not recall it having been included. John Viola also acknowledged that the matter of pre-fab work had been discussed, but recalled that it would not be included in the regulation. William Gallagher stated that it was his understanding that fabrication work would be included in the regulation, whether on-site or in shop; Dan Dumont pointed to the need to have qualified people doing this work, beyond ASME requirements. Discussion of this matter continued briefly, whether or not pipefitting license should be required for work off-site in a shop setting.

Following this discussion, **motion was made by John Viola, seconded by Jennifer Revill, to exclude the licensing requirement for pre-fabrication work that takes place in off-site shops: Motion passed by majority vote (4 in favor, 2 opposed).**

The Chairman explained that further discussion of the second topic, requirement of apprentices to register with DAS, must wait until there is more information about the DAS requirements for registration.

The Chairman identified the third topic of allowing for a separate classification of pipefitter welder, the other two being process piping and power heating/cooling. Pauline Lally asked if the Bureau does open up a new category, pipefitter welder, do they have to identify exactly what work the pipefitter welder

will do in the field. Brief discussion regarding this matter ensued, during which several members expressed concern that not all Bureau members were present for this conversation. It was then pointed out by several members that there is a quorum present, and that the members present should continue to consider and vote on the issues at hand, and that it would not serve our Bureau or state well if discussion and vote were not to continue. Another member responded that a disservice to the work that has already been done to move the regulation to where it is now would be done to continue this discussion without the other members. The Chairman reiterated that there is a quorum present, with enough individuals necessary to conduct business and hold discussion, and if such discussion leads to a motion, the Bureau can vote on such motion.

**Motion made by Pauline Lally to allow for a separate category of license for pipefitter welder, motion seconded by John Viola: motion passed by majority vote (4 in favor, 2 against).**

The matter of inclusion of Category D Fluids was then addressed, the Chairman asked Counsel to read the section of statute that identifies the definition of pipefitting: “The installation, repair, replacement, maintenance or alteration of any apparatus for piping appliances, devices or accessories for heating systems having a rating greater than 700,000 British Thermal Units including apparatus and piping for the general use of conveyance of steam and associated pumping equipment, vacuum and pneumatic systems, oil and petroleum products, ice making machinery, air conditioning equipment, piping systems used for the conveyance and storage of Category M liquids as defined in ASME B-31.3, Process Piping Manual, and high-pressure systems over 150 pound force per square inch gauge, or hazardous industry type gases used in processes, biopharma or semi conductor manufacturing, but excluding sheet metal work, refrigeration systems, boilers and plumbing as defined under the rules and regulations of the Board of State Examiners of Plumbers”. He then had Counsel read the definition of process piping from 528 CMR, “Pipefitting as enumerated in Chapter 146 Section 81, including Category M fluid service, high pressure fluid service, normal fluid service and Category D fluid service.” Inspector Henry Geryk pointed out that Category M liquids and high pressure fluids are specifically identified in the definition of pipefitting in the statute, but normal and Category D fluid services are not. The Chairman then asked Counsel to read the definition of Category D, as defined in our regulations, “A fluid service for process piping in which all of the following apply: 1. The fluid handled is non-flammable, non-toxic and not damaging to human tissues as defined in ASME B31.3, Process Piping, 2. The design gauge pressure does not exceed 150 PSI, 3. The design temperature is -20F – 366F.” The Chairman summarized that Category D fluid service has been added to the regulation; the statute does not call out Category D. Discussion of this definition ensued.

**Motion was made by Pauline Lally to strike the inclusion of Category D Fluids from the definition of Pipefitting in 520 CMR; no second to this motion was made.** With no further discussion of this matter, Category D will remain.

The Chairman said that edits will be made to the regulation to include the motions passed today, so that a vote can be taken on the final regulations; including information on the requirements for DAS apprentice programs.

Pauline asked that Counsel look into where in statute information regarding applicable ratios is contained. The Chairman explained that the ratio information is a DAS standard; the Bureau can require that an applicant register with DAS, but cannot change or designate specific ratio requirements.

4. **Motion to adjourn made by William Gallagher, seconded by John Viola; motion passed by unanimous vote, meeting adjourned at 10:50 AM.**

**The next meeting of the Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters will be on  
Wednesday, November 19, 2014.**

List of Documents/Exhibits Used at this Meeting

- a. Draft agenda for today's meeting
- b. Written comments submitted by:
  - Senator Michael Rodrigues
  - Representative Joseph Wagner
  - Chuck Borstel, ABC Massachusetts Chapter
  - Steven Neveu, Notch Mechanical Constructors
  - Douglas Neveu, Notch Mechanical Constructors
  - Kristin Monfette, Notch Mechanical Constructors
  - Kenneth Widelo, City of Chicopee, Career and Technical Education
  - Michael Douville, City of Chicopee, Career and Technical Education
  - Scott King, New England Orbital Services
  - Bill Cameron, Minuteman High School
  - Thomas Geoghegan, Thomas Geoghegan Heating and Cooling
  - Edward Fl Lamoureux